Docket No. MIT-214-CON

MAR 0 7 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven M. Bowman

Serial No.: 10/743,669

Art Unit: 3739

Filed

: December 23, 2003

Examiner: Not Yet Assigned

For

: GRAFT FIXATION DEVICE COMBINATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

(Date of Deposit)

E. Richard Skula

(Name of applicant, assignee, or Registered Representative)

(Signature)

March 5 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on August 27, 2004 and October 4, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information
Disclosure Statement is being filed either within three months
of the filing date of the above-identified national application
(other than a continued prosecution application under
§1.53(d)), within three months of the date of entry into the
national stage of the above identified application as set forth
in §1.491, or before the mailing date of a first Office Action
on the merits of the above-identified application, or before
the mailing date of a first Office Action after the filing of a
request for continued examination under §1.114, no additional
fee is required.

☐ In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with ☐ the

L In ac	cordance with	31.123(a), C	.1115 11110	Imacion		
Disclosure Stat	ement is being	filed in co	nnection	with [] the	
first or Second After Final Submission, therefore:						
	Statement in A	Accordance wi	th §1.97	(e)		
	(attached); or	r				
	Please charge	Deposit Acco	ount No.	10-		
	0750/ /	the fee of	\$180.00	as set	forth	
	in §1.17(p).					

In accordance with §1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in §1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

(attached); or Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in \$1.17(p). In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p). Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith. In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request. Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not		Statement in Accordance with \$1.97(e)
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enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

 \square There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed August 27, 2004 and October 4, 2004.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/MIT-214-CON/ERS. This form is submitted in triplicate.

Respectfully submitted,

E. Richard Skula Reg. No. 31,061

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2718 DATED:

HAR 0 7 2005 B

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

the Paperwork Reduction Act of 1995, no persons are required to respond to a colle

orm 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

10/743.669
December 22, 2003
Steven Bowman
3739
Not Yet Assigned
MIT-214-CON

Examiner Initials		U.S. Patent Document				
	Cite	1	nd Code ² If known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		US2001/029382	A1	Steven M. Bowman, et. al.	10-11-2001	
		6,187, 009	B1	Daniel Herzog	02-13-2001	
						
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FOREIGN PATENT DOCUMENTS Pages, Columns, Lines, Foreign Patent Document **Date of Publication** where relevant of Cited Document Name of Patentee or passages or relevant T⁶ mm-dd-yyyy Examiner Cite Applicant of Cited Document figures appear Initials Number⁴ KindCode5 Office³ No.1 1 070 487 01-24-2001 EP Ethicon, Inc.

Examiner	Date
Signature	Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



SUBMISSION UNDER MPEP 609 D

Application Number 10/743,669

Filing Date December 22, 2003

First Named Inventor Steven Bowman

Group Art Unit 3739

Examiner Name Not Yet Assigned

Attorney Docket Number MIT-214-CON

Page 1 of 1

U.S. PATENT DOCUMENTS						
			U.S. Patent Document		Pages, Columns, Lines,	
Examiner Initials	Cite No.1	Name of Patentee or Applicant of Cited Document	Number	Kind Code ² (# known)	where relevant passages or relevant figures appear	

FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages Name of Patentee or or relevant figures Examiner Cite Applicant of Cited Document Office³ Number⁴ KindCode⁵ appear Initials No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS
Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), Cite title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Examiner volume-issue number(s), publisher, city and/or country where published No.1 initials* EPO Search Report dated October 21, 2004 for EPO APPL. No. 02 251 292.5 EPO Search Report dated November 22, 2004 for EPO APPL. No. 03252877.0

	Date	
Examiner		
	Considered	
Signature		